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Security Council

Sixty-fifth year

Provisional

6354th meeting

Wednesday, 7 July 2010, 10 a.m.
New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Ms. Čolaković
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Takasu
	Lebanon	Mr. Assaf
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Protection of civilians in armed conflict

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Bangladesh, Canada, Colombia, Germany, India, Israel, Italy, Liechtenstein, Norway, Pakistan, Peru, Sierra Leone, the Syrian Arab Republic, South Africa, Switzerland, the United Republic of Tanzania, Uruguay and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda.

In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights.

It is so decided.

I invite Ms. Pillay to take a seat at the Council table.

I should like to inform the Council that I have received a letter from His Excellency Mr. Pedro Serrano, in which he requests to be invited, in his capacity as acting head of the delegation of the European Union to the United Nations, to participate in the consideration of the item on the Council's agenda.

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serrano.

It is so decided.

I invite Mr. Serrano to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I would like to welcome the presence of His Excellency Secretary-General Ban Ki-moon. I now invite him to take the floor.

The Secretary-General: I would like to thank the Government of Nigeria for convening this debate, and I commend the Security Council for its continued engagement on the protection of civilians in armed conflict.

The wilful targeting of civilians, disproportionate attacks, sexual violence, forced displacement and the denial of humanitarian access remain widespread in armed conflict and are often carried out with impunity. Ongoing or recent events and conditions in Kyrgyzstan, Gaza, the Sudan, Sri Lanka, Somalia, the Democratic Republic of the Congo and elsewhere remind us that the protection of civilians remains a huge common challenge.

The Council has adopted important measures designed to put civilians first. It has been especially encouraging to see the institutional steps that the Council has taken to improve its ability to respond. The aide-memoire (*S/PRST/2009/1, annex*) is bringing greater consistency to efforts to address protection concerns. The informal expert group that has been established has become a valuable forum for providing the Council with essential and timely perspectives from the humanitarian community. But there is more that the

Council can, and must, do. With that in mind, today I will focus on specific aspects of the core challenges I identified in my report of May 2009 (*S/2009/277*).

The first is to maximize the impact of peacekeeping missions in protecting civilians. I welcome the Council's efforts in designing peacekeeping mandates to increase emphasis on the protection of civilians. However, in order for peacekeeping operations to successfully implement those challenging mandates, it is essential that the Council provide missions with the sustained political support they require. The Council's engagement is vital to make certain that peacekeeping operations are adequately resourced and to ensure that mission leadership is fully empowered to take forward that complex mandated task on the international community's behalf. Similarly, troop and police contributors must arrive to the mission area with a common understanding of what protection of civilian mandates entails, and with the capabilities and willingness to implement them.

As we seek to protect civilians from the effects of violence, it will also be critical to manage expectations. Certainly, we would like to be able to protect all people from all threats at all times. But that is a very difficult task even for national Governments in times of peace.

The dialogue on those issues has made positive progress within the Council, as well as within this year's meeting of the Special Committee on Peacekeeping Operations. The recently published joint independent study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations also offers important suggestions for bridging the gaps between mandates and action on the ground. I count on Member States' support as the Secretariat continues to address the areas in which its performance vis-à-vis the protection of civilians must be improved. Developments in two missions warrant particular attention.

In Chad and the Democratic Republic of the Congo, respectively, we face the withdrawal and drawdown of United Nations peacekeeping operations. While I welcome the wish of host Governments to uphold their sovereign responsibilities to their civilian populations, we must fully consider the effects of a premature drawdown in situations that are still fragile. Clear benchmarks should be set for the achievement of civilian protection goals. Once set, they should be achieved before peacekeepers leave.

A second core challenge is increased compliance by non-State armed groups with international law. With non-State armed actors figuring in every armed conflict today, there is clearly a need to engage such groups on humanitarian issues. Let us recognize the distinction between dialogue for humanitarian purposes and for political ones. This is necessary so that States can overcome their reluctance to engage for fear that doing so is tantamount to according recognition or status to such groups. It is also essential, since even armed groups that violate basic international norms as a matter of routine can and should be brought into dialogue for purely humanitarian purposes, including humanitarian access.

Indeed, States and non-State actors alike must be encouraged to provide and permit greater humanitarian access. In too many cases, States lack capacity or, worse, are inclined to deny their responsibilities, deny the existence or degree of humanitarian need, and construct unnecessary bureaucratic obstacles.

This brings me naturally to another core challenge: accountability. Violent crimes are not the only ones that harm civilians. Acts of omission, including the hindering of humanitarian access, can be just as or even more damaging. Those who create such obstacles must also be held accountable, be they State or non-State actors. This is a crucial part of our work — to rid the world of zones where humanitarian needs go unmet.

There have been significant advances in the normative capabilities of national and international systems. Much of this progress derives from the work of the International Criminal Court and its beneficial effects, including the integration of the Rome Statute crimes into national legal systems. But here, too, more must be done to increase the expectation that violators will have to face the consequences of their actions.

Earlier this year, and in consultation with regional organizations, I dispatched a commission of inquiry to Guinea to help bring accountability for crimes committed during violence there in September 2009. In Sri Lanka, I have emphasized the importance of an accountability process for alleged violations of human rights and humanitarian law by all sides to the conflict that ended there in 2009. I have appointed a panel of experts to advise me on these issues.

Over the past decade, the protection of civilians agenda has advanced considerably, thanks in great part to the work of this Council. While the conduct of hostilities and their immediate consequences must remain a major focus, that alone would mean treating symptoms rather than causes. Armed conflict, particularly the intra-State disputes that are now the norm, is often the result of a lack of good governance, competition for scarce resources, or the complex interaction of factors, including ethnicity, or all of these combined. Climate change, desertification and land disputes can be additional drivers of conflict, and a lack of effective security and rule of law mechanisms can exacerbate the problems.

These are the broader challenges the Security Council must address with determination to prevent and resolve conflicts. That, in the longer term, is the best way of bringing about real protection for civilians.

The President: I thank the Secretary-General for his statement.

At this meeting, the Council will hear briefings by Mr. John Holmes and Ms. Navanethem Pillay. I now give the floor to Mr. Holmes.

Mr. Holmes: First of all, allow me to express my sincere appreciation to you, Madam President, and the Government of Nigeria for convening this high-level open debate.

I will reflect not only on some recent developments, but also briefly on those of my almost three and a half years as Emergency Relief Coordinator. I will also cover five specific issues: engaging non-State actors, humanitarian access, the harmful effect of explosive weapons, protection in peacekeeping missions, and accountability.

The decade since the Security Council first focused on the protection of civilians has seen significant development of the normative framework. The Security Council has played an important role in expanding the weight of international jurisprudence on the conduct of hostilities; on the regulation of small arms, light weapons, mines and explosive remnants of war; on the displacement of civilian populations; on assistance to conflict-affected populations, including humanitarian access and the safety and security of humanitarian workers; on accountability for violations of the law; and on the protection of especially vulnerable groups, such as women and children.

But, as I have asked before, the key question is whether these positive developments have actually improved the condition of civilians in armed conflict, or have normative advances merely widened the gap between international rules and reality on the ground, or created a new gap and called further into question the relevance of the law and the credibility of Security Council pronouncements?

Since I last briefed the Council (see S/PV.6216), there have been two important institutional developments that should bear fruit. Following the adoption of resolution 1888 (2009), the first ever Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, was appointed. Should anyone doubt the need for urgent attention to the problem, according to the United Nations Population Fund, 15,275 rapes — the vast majority by armed men — were reported in eastern Democratic Republic of the Congo in 2009. And we know how few of the real number of rapes are reported. The director of the Panzi Hospital of Bukavu, Dr. Mukwege, told me recently that the problem of violent rape was worse than ever. The Council needs to continue to insist on comprehensive strategies to help put an end to sexual violence in armed conflict.

More recently, in May, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, briefed a United Nations sanctions committee for the first time on the unlawful recruitment of children into armed groups in the Democratic Republic of the Congo. The Security Council has not often launched targeted measures against identified perpetrators responsible for grave violations against children. Doing so in the case of the Democratic Republic of the Congo would be an important signal in a region where impunity is so prevalent.

Other mechanisms have helped to improve the quality of information available to the Security Council. For example, the Security Council's informal expert group on the protection of civilians has been briefed 14 times since its inception in 2009. Nevertheless, I fear that all too little has changed for the better on the ground in recent years. Civilians account for the vast majority of casualties in armed conflicts, especially in the internal conflicts that are now the norm, and they are increasingly targeted by combatants and armed elements.

In 2009 alone, there were thousands of civilian conflict deaths, from Gaza to Sri Lanka to the Democratic Republic of the Congo to Pakistan, Afghanistan and Somalia, and elsewhere too; and untold numbers of other casualties, including physical and psychological injury to men, women and children, as well as the destruction of their social, economic and cultural ties and institutions.

This year does not look, so far, much better. According to official reports, 275 people were killed by the violence that broke out on 10 June in southern Kyrgyzstan, although the real death toll may be much higher, and the ethnic element involved is very worrying. In Somalia, in the past three months, just two of the main hospitals in Mogadishu have admitted over 1,384 war casualties, of whom 328 were children under 15.

Displacement through conflict is also getting worse. In 2009, 6.8 million people were displaced within their own country by conflict, more than at any point since the mid-1990s. Some 1.8 million alone were in Pakistan, although many have since returned, but the Democratic Republic of the Congo, the Sudan, Somalia, the Philippines and Colombia also experienced large-scale new displacements. In Colombia, the number of internally displaced persons (IDPs) is estimated by the Government to have increased in 2009 by 146,000. An alarming total of 27.1 million — the highest ever — were internally displaced globally at the end of last year as a result of conflict.

Again, this year so far is also depressing. An upsurge in violence in Darfur has displaced 116,000 more people in the first half of the year. Another 90,000 people fled their homes in the southern Sudan over the same period as insecurity mounted in the run-up to the referendum in early 2011. In Kyrgyzstan, 375,000 people were forced to flee their homes.

Equally worrying, new displacements continue to far outnumber returns and the reintegration of IDPs. Durable solutions are woefully missing for millions in protracted displacement situations, increasing both despair and reliance on humanitarian assistance. In this context, the Kampala Convention adopted by the African Union last October was a significant milestone. IDP hosting states must now apply the Convention on the ground to protect and assist IDPs. I also urge that, as part of the search for durable solutions and in the wider context of peace negotiations in places like Darfur, issues of land and property be given higher priority. The High Commissioner for Refugees also reported recently that there remained 15.2 million refugees around the world in 2009, many of them in protracted situations, and that 2009 was the worst year for voluntary repatriations in two decades.

In my last briefing (see S/PV.6216), I noted that every armed conflict in the world today involves the participation of one or more non-State armed groups. So it is clear that enhancing the protection of civilians and reducing human suffering must, in part, be achieved by engaging with them over access and aid delivery and also by trying to influence their conduct and improve their compliance with humanitarian and human rights law.

This is not just theory. Special Representative of the Secretary-General for Children and Armed Conflict has engaged with armed groups to address their recruitment and use of children and has used action plans signed by such groups to bring the practice to an end. UNICEF and the World Health Organization have been able to immunize millions of children by obtaining support for "days of tranquility" from parties to conflict, including, notably, the Taliban in Afghanistan. In Gaza, engaging the de facto authorities is indispensable in order to provide assistance to the people in need, address growing human rights and protection concerns, and guarantee the security of aid workers. These contacts do not in any way legitimize either the goals or the conduct of armed groups, but they do show that engagement by humanitarian actors with such groups can genuinely improve the treatment of civilians.

I call once again on the Council and on Member States more widely to respect and promote this engagement and not to discourage it through, for example, donor practices which, however well intentioned, in reality criminalize contacts or the unintended provision of goods in ways which limit humanitarian assistance.

Constraints on humanitarian access remain a major problem. For example, the World Food Programme has been driven out of large parts of South Central Somalia by Al-Shabaab violence and threats; in North-East Democratic Republic of the Congo and southern Central African Republic, lack of

infrastructure and violent attacks by parties to conflict and criminal groups prevent humanitarians from reaching many victims of atrocities perpetrated by the Lord's Resistance Army (LRA). In many parts of Afghanistan and Pakistan, humanitarian actors cannot operate because of hostilities and insecurity.

Violent attacks on humanitarian personnel and assets — whether politically or economically motivated — are the biggest threat. Over 100 humanitarian workers were killed in 2008 and 2009; at least 30 have been killed while carrying out their work so far this year. Over 200 have been kidnapped and injured in the past four years.

Criminally-motivated attacks on humanitarian actors as soft targets, and in the context of wider lawlessness, remain a particular challenge in places such as Darfur, Chad and the Democratic Republic of the Congo. On other fronts, the mechanisms to streamline bureaucratic requirements in Darfur and enhance access, jointly agreed with the Government of the Sudan, urgently need to be reinvigorated. In Gaza, a year and half after operation Cast Lead and three years after it was first instituted, the blockade is still in place, despite recent welcome steps to ease it.

States legitimately demand that international humanitarian action be fully coordinated with the appropriate domestic authorities. But I urge all affected States to use close cooperation with humanitarian actors to facilitate and expedite humanitarian aid to all who need it, and not slow it down or block it, or try to make artificial distinctions between the provision of goods and services and equally essential protection work designed to prevent abuses and save lives.

Explosive weapons are of particular concern in the protection of civilians where their use is inherently indiscriminate. A landmine does not know whether the person who steps on it is a combatant or civilian. For example, in Colombia at least 50 per cent of the territory has been declared affected by mines, and the country has one of the highest rates of landmine victims in the world. Like unexploded cluster munitions, landmines remain active long after the conflict has ended or moved on, creating deadly risks to civilians.

But the use of "ordinary" explosive weapons in populated areas also repeatedly causes unacceptably high levels of harm to civilians. From air strikes and artillery attacks in Afghanistan, Somalia, Yemen and Gaza to rockets launched at Israeli civilian areas by Palestinian militants and car bombs and suicide attacks in Pakistan or Iraq, the use of explosive weapons and explosives has resulted in severe civilian suffering. The threefold increase in drone attacks in Afghanistan and Pakistan over the past year is of concern, given the inevitable risk of unintended civilian casualties.

In Afghanistan, suicide and improvised explosive device attacks by armed groups now cause more civilian casualties than any other tactic, representing 44 per cent of the total civilian casualties in 2009, or 1,054 people killed. Aerial attacks from international military operations also caused 359 civilian deaths. Suicide bombings elsewhere are also increasing and of increasing concern since the victims are so often civilians, with the attack on the Sufi temple in Lahore only one recent, horrific example. I worry that we have become so inured to such horrors that the international community now scarcely notices these events.

More research is needed on the harm caused by explosive weapons in areas where civilians are present. However, there is already enough tragic experience to encourage serious reflection on the military use of such weapons in such circumstances when measured against the enormous human suffering they cause. I urge the Council to begin a dialogue on ways to tackle this emerging issue.

The planned withdrawal of thousands of United Nations peacekeepers from Chad and potentially from the Democratic Republic of the Congo has brought the issue of the protection of civilians in peacekeeping operations into the forefront of Security Council deliberations. This part of my statement includes input from the Department of Peacekeeping Operations (DPKO).

In Chad, it is critical that the Government fully assume its protection of civilian responsibilities and benchmarks outlined in resolution 1923 (2010). We wait to see whether the withdrawal of the United Nations Mission in the Central African Republic and Chad in the East of the country will expose refugees, IDPs and the local population, as well as humanitarian actors, to new security threats. We are meanwhile working with the Government to help turn its promises into reality.

In the Democratic Republic of the Congo, the humanitarian situation in the Kivu provinces remains alarming. In Orientale province, between December

2009 and April this year, close to 500 people were killed by the LRA and 400 abducted, of whom 168 were children. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) plays a vital role in providing security and logistical support for humanitarians, and any drawdown can only heighten concerns both for humanitarians and for the populations they seek to serve.

While it is welcome that countries are determined to shoulder their sovereign responsibilities, including protecting civilians, I would strongly encourage the drawdown of United Nations peacekeeping missions to be made contingent on the attainment of clear protection benchmarks endorsed by the Security Council.

The publication in January 2010 of an independent study commissioned by the Office for the Coordination of Humanitarian Affairs and DPKO outlined in detail the steps needed to translate Security Council peacekeeping mandates into effective action on the ground to protect civilians. We are making steady progress in addressing a number of the gaps identified. DPKO and the Department of Field Support (DFS) have developed an operational concept, in consultation with troop- and police-contributing countries and other stakeholders, to bring conceptual clarity to the protection of civilians in the United Nations peacekeeping context.

Comprehensive protection strategies have been developed for MONUSCO, the United Nations Mission in the Sudan, and the African Union-United Nations Hybrid Operation in Darfur, while the United Nations Operation in Côte d'Ivoire, the United Nations Stabilization Mission in Haiti and hopefully other peacekeeping missions are not far behind. DPKO and DFS have also begun to develop protection of civilians training standards for United Nations peacekeepers, and are outlining the resource and capability requirements for implementing protection of civilians mandates. We count on the support of the Member States throughout these processes.

There can, of course, be tensions between military operations supported by peacekeeping missions and the protection of civilians. Military operations in the Democratic Republic of the Congo against the Forces démocratiques de libération du Rwanda and the LRA have often sadly been accompanied by serious humanitarian consequences. The MONUSCO conditionality policy has drawn attention to the challenges to a United Nations peacekeeping operation when it is mandated to protect civilians while supporting a party to an armed conflict that is prone to abusive conduct. Measures to prevent the United Nations from being tainted by such abuses must also fully take into account the need for effective protection of civilians by influencing the forces concerned. This is a difficult balance to strike.

And, while I am extremely worried by reports from Somalia about the number of civilians being killed and injured by both Government forces and armed groups like Al-Shabaab, I am also concerned that in its response to attacks on it, the African Union Mission in Somalia (AMISOM) — whose mandate is authorized by the Council and whose operations are financially supported by the United Nations — is not taking sufficient notice of the basic principles of distinction between combatants and civilians and proportionality in the use of force. The challenges to AMISOM are immense and its role commendable. However, more needs to be done to prevent harm to civilians and to ensure the proper investigation of alleged violations.

The final theme I would like to address is once again that of accountability. Prevention is always better than cure, and I believe in the power of deterrence. The conduct of parties to conflict is inevitably affected by their sense of susceptibility to punishment and accountability to their victims, and by clear signals that impunity will not be tolerated. The danger here is that the normative framework has outpaced the enforcement will and capacity of the international community, so I urge the Council to take a robust approach to accountability. National justice systems must remain the first line of defence, but when they prove unable or unwilling to bring perpetrators to justice and provide remedies to victims, the international community must explore alternative means.

I welcome the commission of inquiry launched by the Secretary-General for crimes committed during violence in Guinea last September. And I welcome the panel set up by the Secretary-General to advise him on accountability for violations of humanitarian and human rights law in Sri Lanka, especially in the last stages of the conflict in that country, and the mechanism recently set up by the Government of Sri Lanka itself.

Meanwhile, the calls for an inquiry into recent events in southern Kyrgyzstan are also hard to ignore. The point is that this scrutiny needs to become the norm. Actual and would-be violators need to understand that they have nowhere to hide. Politics must not always win out where powerful States or vocal States with powerful protection are involved.

The Security Council has important powers in this regard. It can include accountability and remedies within benchmarks for the protection of civilians in peacekeeping mission mandates. It can impose sanctions. It can establish international tribunals, and it has choices concerning the nature of its cooperation with the International Criminal Court. It needs to show that it is serious, and not selective, about this power. One idea is for a permanent mechanism to be established somewhere in the United Nations system to conduct inquiries on serious allegations more or less automatically, which would prevent calls for investigations from being politicized from the start.

The world has changed in the 10 years since the Security Council first focused on the protection of civilians in a thematic manner, and even in my three and a half years as Emergency Relief Coordinator. Positive normative developments contrast with a deteriorating reality on the ground and call into question the efficacy of the law and the credibility of the institutions that struggle to uphold it. So I urge the Security Council to work with Member States to craft new solutions to the changing nature of protection of civilian concerns. These new solutions must embrace an expansive vision of protection that extends beyond the immediate concerns of the battlefield. They must look to prevention as well as to mitigation. Only by focusing on consistency, credibility and a long-term approach can we hope to reduce the current gap between norms and reality.

The President: I thank Mr. Holmes for his briefing. On behalf of the Council, I would like to express our profound gratitude to Under-Secretary-General John Holmes, who is today making his last appearance before the Council. Since his appointment by the Secretary-General in January 2007, we have appreciated Under-Secretary-General Holmes' leadership as the head of the Office for the Coordination of Humanitarian Affairs and Emergency Relief Coordinator, his forthright interaction with the Council, and his deep compassion in handling very important issues. We wish him all the best in his future endeavours. I am sure that Council members will add their respective voices in a special tribute to Mr. Holmes as we bid him farewell.

I now give the floor to Ms. Navanethem Pillay.

Ms. Pillay: Madam President, allow me to express my appreciation to you and to members of the Security Council for giving me the opportunity to address the Council during this high-level debate on the vital issue of the protection of civilians in armed conflict. Since the Council was last briefed by the Office of the United Nations High Commissioner for Human Rights on this topic in November 2009 (see S/PV.6216), important developments pertaining to protection and accountability have taken place, which I will discuss today.

The Council's initiative in developing a solid framework to protect civilians in many countries is most welcome. However, protection remains a dream for victims, and the gulf between policy and practice is still vast. If we want to make a greater difference on the ground, human rights and humanitarian actors need to work together in order to give effect to the United Nations policy framework. I am sure that my colleague John Holmes would agree with me, and I would like to take this opportunity to salute him for championing humanitarian action within the United Nations system. His leadership has enabled the development of meaningful partnerships to advance protection.

The Council has long recognized that the maintenance of peace and security will not be achieved or sustained without due attention being paid to redressing grievances, ending impunity and protecting the human rights of civilians. Monitoring human rights conditions can serve to sound an alarm when situations are at risk of degenerating into violence. Information gathered by my Office as well as the United Nations human rights mechanisms, including the special rapporteurs, can be very helpful to the Council in this regard. When the security environment requires the dispatch of peacekeeping missions, a clear mandate with robust and well-resourced human rights components becomes essential for the effective implementation of protection measures.

Holding perpetrators accountable is key for the protection of civilians. Amongst the most significant actions taken by the Council for the protection of civilians is the establishment of commissions of inquiry. I am pleased that, on several occasions, the

Council and the Secretary-General have requested my Office to assist with these commissions. More use can be made of such mechanisms.

It is worth recalling that States bear the primary responsibility for carrying out investigations and prosecutions regarding genocide, war crimes, crimes against humanity and gross human rights violations. Several countries have established national commissions of inquiry. These are welcome demonstrations of a State's willingness to seek justice. True accountability can be achieved only if national inquiry mechanisms are credible, independent and impartial. Such national commissions should have the power of access to all relevant authorities, persons and information, as well as adequate financial and human resources. It is these conditions that will instil confidence and trust in these national initiatives.

The Council has acted to promote accountability. It has explicitly made its support for military operations of national armed forces conditional on their observance of human rights law, humanitarian law and refugee law. We need to ensure that United Nations and bilateral support to military operations and security sector reform are tied to promoting respect for human rights.

Let me now update the Council on situations where the protection of civilians has been, and remains, of great concern.

In Afghanistan, the intensifying conflict has had an intolerable impact on civilians. Many lives are being lost, homes destroyed and livelihoods and access to basic services threatened. Clearly, anti-Government insurgents, with their widespread use of indiscriminate suicide bombing and targeted assassinations, present a fundamental challenge. I am also concerned about civilian casualties caused by aerial attacks and ground operations, including from search and seizure operations, carried out by Afghan national security forces and international military forces. Moreover, women and girls continue to face widespread human rights abuses including abduction, trafficking, sexual violence, forced and underage marriage and harmful practices justified on the basis of tradition. I am particularly concerned about the legal framework, which in many instances institutionalizes violence and discrimination against women. Although the Government has taken steps to enact laws aimed at protecting women's rights, those laws remain largely unimplemented.

The corrosive effect of impunity on both human rights and peace is evident in the case of the Democratic Republic of the Congo. Few perpetrators of serious violations of human rights and humanitarian law have been brought to justice. Some research even indicates that rape and violence against women have increased despite all the attention they have received in recent years. In that context, I wish to recall that, in cooperation with the Government of the Democratic Republic of the Congo, my Office undertook an exercise to map out the most serious violations of international human rights and humanitarian law in that country between 1993 and 2003. That exercise is a contribution to combating impunity and supporting transitional justice. The report will be published soon.

Following the recommendations of the international Commission of Inquiry into the September 2009 events in Guinea, a start-up presence from my Office has been deployed to the country. We expect the presence to gradually evolve into a fully-fledged office that can more effectively help the Government to address the human rights challenges that the country faces. In addition, my Office has dispatched a small team to assist the authorities, in cooperation with other United Nations bodies, in ensuring respect for human rights throughout the electoral process.

The serious protection concerns in the aftermath of the earthquake in Haiti are of a magnitude that warrants the utmost attention. Death and destruction are compounded by displacement, and women and children continue to be vulnerable to widespread sexual and gender-based violence and trafficking. Alleviating those conditions remains the priority of the Human Rights Section of the United Nations Stabilization Mission in Haiti, acting in concert with the protection cluster led by my Office and the Office of the United Nations High Commissioner for Refugees. With regard to accountability for continued human rights violations, I note the establishment of the joint investigative commission which, starting next week, will seek to determine the facts around the events that led to an as of yet undetermined number of violent deaths in the Les Cayes prison on 19 January 2010.

Turning now to Kyrgyzstan, where a deadly wave of violence engulfed the south of the country in June, I am particularly concerned about the targeting and indiscriminate killing of civilians — including children — looting and destruction of public and private property, displacement and sexual violence. My Office leads the human rights sub-cluster within the protection cluster and works closely with all humanitarian agencies to address the most critical protection challenges and contribute to strengthening the rule of law. On the accountability front, I continue to be convinced of the need for an independent international inquiry. Meanwhile, we stand ready to engage, should there be credible national investigations aimed at establishing the facts and the responsibility for the attacks.

Both Palestinian and Israeli civilians have the right to live in peace and security. I welcome the decision of the Government of Israel to moderate its blockade of Gaza. Yet I stress the urgent need to ensure the open flow of imports and exports to and from Gaza. I urge the Council to take appropriate action to ensure the lifting in full of the blockade. In the West Bank, including East Jerusalem, settler violence, forced evictions, home demolitions, revocation of residency permits, arbitrary detention and torture are taking place with impunity. I urge the Security Council to support the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict (*see A/HRC/12/48*), especially those that call for accountability for all perpetrators of violations. In accordance with relevant resolutions of the Human Rights Council, a follow-up mechanism is currently monitoring and assessing domestic, legal and other proceedings undertaken by both the Government of Israel and the Palestinian side. The Council has also mandated an independent fact-finding mission, which will soon start investigating violations resulting from the Israeli military action against the flotilla carrying humanitarian assistance to Gaza.

Turning now to Sri Lanka, let me recall the unacceptably high level of loss of civilian lives caused by both sides of the conflict in that country. Since the end of the conflict, some progress has been made in the return and resettlement of internally displaced persons. Concrete initiatives must now follow to provide justice and redress to victims and to promote accountability and longer-term reconciliation. The leadership of the Secretary-General in establishing an expert panel to advise him on those issues is a welcome step in that direction.

With regard to the Sudan, sporadic fighting in Darfur between armed movements and Government forces continues to result in civilian casualties, the destruction of civilian property and large-scale displacement. Civilian lives are also being lost in inter-communal violence stemming from resource-related disputes. Across southern Sudan, also, lawlessness and inter-communal violence, compounded by the widespread proliferation of arms and ammunition, continue to put civilians at risk. In 2009 alone, there were at least 2,500 violent civilian deaths and more than 350,000 people were displaced. Given the likelihood of more violence in the lead-up to the 2011 referendum, there continues to be an urgent need for more proactive protection of civilians.

In the course of the past few decades, grave violations of human rights and international humanitarian law have been a tragic common denominator in armed conflicts, with civilian targets of attacks by State and non-State actors. I have raised today many situations needing serious and urgent attention. I welcome this opportunity to strengthen the cooperation of my Office with the Council, and I remain at its disposal to answer any questions it may have.

The President: I thank Ms. Pillay for her briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

Mr. Mayr-Harting (Austria): Let me thank you, Madam President, for organizing this debate and the Secretary-General for his statement here today and for the strong commitment he has always shown in the interest of this very important subject.

I would also like to thank Under-Secretary-General John Holmes for his briefing here today. I would like to say how greatly Austria has appreciated

his action at the head of the Office for the Coordination of Humanitarian Affairs (OCHA) during these past three and a half years. I remember quite a number of situations when the Council had some difficulty agreeing on the best political response to a crisis, and when it was OCHA under the leadership of John Holmes that was the first to make a difference on the ground. We are grateful for that as well.

Let me also thank High Commissioner Pillay for her statement. I think it is very important that she has the chance to speak to us in this context and to make the link to specific country situations where there is a protection concern.

Austria associates itself with the statement to be delivered by the European Union delegation later in this debate.

In response to last year's report of the Secretary-General on the protection of civilians (S/2009/277), the Security Council unanimously adopted resolution 1894 (2009). Eight months later, we are encouraged by the progress made in its implementation. Let me particularly thank OCHA and the Department of Peacekeeping Operations for their consistent support of this process. Resolution 1894 (2009), the in-depth discussion within this year's Special Committee on Peacekeeping Operations, the work of the Secretariat and many missions on the ground, as well as the independent study on the protection of civilians in the context of United Nations peacekeeping operations, have contributed to a better understanding of protection of civilians amongst the various stakeholders.

We are convinced that the next report of the Secretary-General will provide an important opportunity to take stock of the progress made and of remaining challenges in implementing resolution 1894 (2009). In order to reflect the recent developments, we also believe that a revised version of the aide-memoire (see S/PRST/2009/1, annex) should soon be adopted.

We are closely following how the provisions of resolution 1894 (2009) on the role of peacekeeping missions in the protection of civilians are being translated into the everyday work of the Secretariat and the Council and taken into account in the renewal of peacekeeping mission mandates. The further development and implementation of the operational concept, mission-wide protection strategies and training modules are well under way. Austria will continue to promote the use of these tools and, whenever necessary, call for the prioritization of protection tasks, such as in the course of the recent renewals of the mandates of the United Nations Operation in Côte d'Ivoire and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

We welcome the fact that protection mandates increasingly include all activities aimed at ensuring the safety and physical integrity of civilian populations, securing humanitarian access and ensuring full respect for the rights of individuals by all parties to a conflict in accordance with international humanitarian and human rights law. We also welcome United Nations efforts to promote and protect human rights in situations of armed conflict, as well as the inclusion of human rights components in peacekeeping and other relevant missions. The High Commissioner has just very clearly shown the link between human rights and protection concerns.

The ultimate goal of any peacekeeping mission with a protection mandate must be to help restore an environment in which the host State is able to fully exercise its primary responsibility to protect its own population. The untimely drawdown or premature downscaling of peacekeeping missions can seriously endanger the stability and safety of the civilian population. Mandate adjustments or the drawdown of missions therefore also need to be conditioned upon the fulfilment of benchmarks relating to the protection of civilians.

It is no secret that my country would have preferred a stronger protection of civilians component in the latest renewal of the mandate of the United Nations Mission in the Central African Republic and Chad. At the same time, we welcome the establishment of a joint working group comprising representatives of the Secretariat and the Government of the host country, who will jointly review implementation of the protection benchmarks defined by the Council. This model can also help, from our point of view, to strengthen ownership by the host country. If successful, it might be considered in the context of other missions in the future.

The Secretary-General, in his most recent report (S/2009/277), rightly listed the enhancement of compliance with international humanitarian and human rights law, as well as international criminal law, by

State and non-State actors alike as a major persistent challenge. And he said so again here today.

Perpetrators of serious violations against the civilian population still go largely unpunished. Allegations need to be thoroughly investigated and perpetrators brought to account, not only through prosecution, but also through the vetting of armed and security forces. We believe that the Council must ensure respect for its resolutions and be prepared to take vigorous measures against perpetrators, including through the establishment of commissions of inquiry, referrals to the International Criminal Court and the imposition of targeted measures.

Let me also underline the important role of national reparation programmes for victims and institutional reforms. In addition, provisions pertaining to violations against the civilian population should consistently be included in the listing criteria of relevant sanctions committees. The interaction between the relevant United Nations bodies and the Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict, on the one hand, and sanctions committees and their expert groups, on the other, needs to be enhanced. The recent briefing by Special Representative Coomaraswamy to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo was an important development. This, from our point of view, should become a standing practice.

The past two years have seen important developments in strengthening the protection of women and children in particular. We also hope that the particular protection needs of persons with disabilities and older persons, together with examples of best practices, will be addressed in the upcoming report of the Secretary-General. Concerning damages caused to the civilian population, we also follow with interest the emerging practice of making amends even if those damages do not stem from unlawful conduct.

We finally note with satisfaction that the Security Council expert group on the protection of civilians has significantly contributed to a more consistent approach of the Security Council when renewing the protection mandates of peacekeeping operations. It is essential that the group address all missions with a role in the protection of civilians.

Let me end by saying that the improvements achieved so far in the United Nations are also serving as an example for efforts by the European Union in this field. Together with its European Union partners, Austria is working to improve implementation of the protection of civilians in missions and operations run by the European Union.

Mr. Parham (United Kingdom): I thank you very much indeed, Madam President, for organizing this debate. Many thanks, too, go to the Secretary-General and to Under-Secretary-General Holmes and High Commissioner Pillay for their comprehensive briefings. Let me also echo, Madam, your warm comments marking the fact that this is probably the last appearance of John Holmes in the Council. He has greatly improved the Council's understanding of the humanitarian aspects of conflicts and crises and thereby helped the Council to enhance its responses. We should certainly reflect carefully on the points he has made today about ways in which we might try further to close the gap between norms and reality. But above all, we thank him for the leadership and commitment that he has shown to those who would, but for his efforts and the efforts of his United Nations colleagues, often be abandoned to deprivation, devastation, depredation and, frequently, death.

Global events, many of them grimly described by John Holmes just now, since the Council adopted resolution 1894 (2009) have shown that the protection of vulnerable civilian populations remains as important as ever. The forthcoming fifteenth anniversary of the Srebrenica tragedy is also a powerful reminder of why this issue is so central to the Security Council's work.

The ground is already being well covered and time is short, but I would just like to make three brief points.

First, United Nations peacekeepers play a vital part in protecting civilians, and it is right that we prioritize that task above others in certain peacekeeping operations. But we should be clear that the parties to an armed conflict bear the primary responsibility for ensuring that civilians are neither affected by that conflict nor specifically targeted.

Following the withdrawal of the United Nations peacekeeping mission in Chad — which has already been raised by previous speakers — the Chadian Government has undertaken to protect its civilian population, particularly women and children, and it

must fully honour that commitment. The work of the joint high-level working group between the Chadian Government and the United Nations will be important, and the international community should monitor its findings carefully.

Secondly, we must ensure the robust protection of humanitarian space so that civilians who are affected by armed conflict can access essential goods and services. That is primarily the responsibility of States, but when the State is overwhelmed, humanitarian agencies must be allowed to respond to needs for emergency protection and assistance. That is a basic tenet of international humanitarian law, and we must uphold it.

That is why we have long called for an improvement in the unacceptable and unsustainable situation in Gaza. Resolution 1860 (2009) called for the delivery of humanitarian aid and called on States to alleviate the humanitarian and economic situation. As my Foreign Secretary has said and as the Secretary-General said in his statement yesterday, Israel's announcement on 5 July on the easing of some restrictions on the import of goods into Gaza is welcome and marks an important step in the right direction. Those changes must now be implemented swiftly.

On the same grounds, we are concerned about poor access by humanitarian agencies to communities in the north of Sri Lanka. Ensuring freedom of movement for all internally displaced persons who remain in camps and transferring camps to civilian authority are important steps in allowing civilians to return to normal life.

That leads me to my third point. The United Kingdom is greatly disturbed by the continuing growth in the number of people displaced within their own countries as a result of conflict — a record high of over 27 million in 2009. That is an acute problem in Burma, for example, where we remain deeply concerned about the lack of progress towards national reconciliation. The Burmese military regime continues to target civilians, particularly people from ethnic minorities. The use of rape and other forms of sexual violence remain a serious concern, as do the use of child soldiers and forced labour for military use. Protecting civilians wherever and whoever they are is the best way to prevent displacement and consequent deprivation.

Thus, the United Kingdom continues to attach great importance to the protection of civilians in armed conflict. In March 2010, the United Kingdom launched a national strategy on the protection of civilians, which draws together for the first time our efforts to keep the protection of civilians at the forefront of our political, security, human rights and humanitarian work.

As Afghanistan has been mentioned by previous speakers, I should just make the point that it is important that the Council recognize the difference between, on the one hand, the Afghan and international forces, which make every effort to avoid civilian casualties and operate under a Council mandate, and the actions of armed groups that deliberately target civilians as part of their attempt to undermine the democratic process. As the Secretary-General's recent reports have made clear, the proportion of civilian casualties caused by the Taliban has grown significantly.

We have seen the valuable role played by the Security Council's informal expert group on the protection of civilians. As its chair, the United Kingdom remains committed to its work.

We welcome the appointment of Margot Wallström as the Special Representative of the Secretary-General on Sexual Violence in Conflict — an important step in this area, as John Holmes said. We support the work of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, which has led to much of the progress we have seen on the protection of children in the past year.

The United Kingdom believes that we have made much progress on the protection of civilians since the adoption of resolution 1894 (2009) in November, in particular our discussions in the Special Committee on Peacekeeping Operations, but we still have more work to do on this important issue.

Ms. Rice (United States of America): Let me begin by thanking the Secretary-General, Under-Secretary-General Holmes and High Commissioner Pillay for their briefings and their tremendous work on behalf of endangered civilians around the world. Let me also thank Mr. Holmes for his service to the United Nations. He has been an outspoken and dedicated leader. He has shown a rare and resolute determination to end the suffering of civilians under threat of war or famine. The Under-Secretary-General has my

Government's abiding respect and my warm personal thanks.

Eight months after the Council adopted resolution 1894 (2009), we still have far more work to do together to save the lives of civilians in conflict zones. The victims in situations are different: children forced to take up guns, women and girls tormented by rape and sexual abuse, refugees and internally displaced persons longing for a home and shelter, ordinary people caught in crossfire. But they all are innocent, and they should all be sheltered by the rule of law and the rules of war.

Their suffering is particularly tragic because it is so often preventable. Their voices call out to our common conscience and remind us of the urgent need to act.

Let me highlight briefly three critical areas today: first, providing the safety that humanitarian efforts need to function; secondly, moving from the ambition to protect civilians to successful actions by peacekeeping missions; and thirdly, enhancing the legal capacity to support accountability.

The United States is deeply disturbed by the increasing frequency of attacks on humanitarian workers. Such assaults violate basic principles of law and decency. Such violence not only obstructs the delivery of life-saving humanitarian assistance, but also can create an atmosphere that restricts the movement, even the presence, of international humanitarian actors. As we have recently seen in Pakistan and the Sudan, workers have been attacked, kidnapped or killed, often in cynical attempts to extend the suffering of civilians for political gain. Humanitarian agencies' local staff members can be especially vulnerable to attacks.

That is a deplorable phenomenon, but not a new one. The Council has expressed its intentions, in the words of resolution 1894 (2009), to "take appropriate steps in response to deliberate attacks against humanitarian personnel" (para. 16(c)). We have also acted, for instance, by designating al-Shabaab last April, under resolution 1907 (2009). We must make a concerted effort to identify those responsible for all attacks on humanitarian workers so that humanitarian agencies can go about their work, protecting the innocent.

Here, the resources of United Nations country teams often prove invaluable, and the United States strongly supports the protection mandates of UNICEF, the Office of the United Nations High Commissioner for Refugees and the Office of the High Commissioner for Human Rights, as well as the International Committee of the Red Cross. Together, they help promote civilians' basic rights, meet their physical needs, respect their dignity, and work to ensure their safety.

We respect the principles of neutrality, impartiality and independence under which those and other humanitarian groups, including non-governmental organizations, operate in the field. We encourage humanitarian organizations to strengthen programmes to end conflict-related sexual violence, and we urge our fellow Council members to fully support, in terms of both finances and policy, the efforts of such organizations to protect civilians and to implement the commitments that we unanimously agreed to in resolution 1888 (2009).

My second point is that peacekeeping missions play a vital role in providing support to States in which civilians are at risk. However, the Council's mandates directing peacekeeping missions to protect must be matched by resources, guidance, training and leadership.

We welcome innovative approaches by all involved to identify the threats and vulnerabilities of civilian space in the area of a mission. We applaud efforts by the Department of Peacekeeping Operations, supported by the Special Committee on Peacekeeping Operations, to develop a strategic framework for mission-wide protection strategies. As Member States, we must all support those efforts and back up peacekeeping missions with political support and capacity-building efforts. We must also pay close heed to the challenges faced by peacekeepers in the field, whether civilian, police or military personnel.

Serious challenges remain on the ground, such as those today in Darfur. That is something we must bear in mind as we approach the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) at the end of this month. The United States supports full and proper backing to peacekeeping mandates, including that of UNAMID, so that deployed peacekeepers can protect themselves and endangered civilians, as identified in each specific mandate. Host countries with peacekeeping missions must shoulder the primary responsibility for the safety

and security of their populations, as well as for supporting those missions as they implement their mandates.

My Government fully backs the work of United Nations peacekeeping missions, working in concert with United Nations country teams and host Governments, to strengthen police and judicial mechanisms so that respect for the rule of law can counter those who seek to profit from lawlessness. We undertake significant efforts to promote the rule of law around the world, and we urge others to do the same.

Peacekeeping missions, when properly trained, well equipped and deployed with robust mandates, are critical to our overall efforts to protect civilians. But today we face the question of how to ensure that civilians are protected where strategic consent for United Nations peacekeeping evaporates and those forces are ultimately withdrawn. Such a situation is now playing out in Chad, with the continued drawdown of the United Nations Mission in the Central African Republic and Chad (MINURCAT). By the end of the year there will be no United Nations peacekeepers in Chad, and the United States is extremely concerned about that situation.

The Government of Chad should protect its own population and refugees within its territory. The international community recognizes that the Government of Chad is accountable for the welfare not only of its own citizens, nearly 170,000 of whom are internally displaced, but also for the more than 270,000 Darfuri and 74,000 Central African refugees within Chad's borders.

Finally, let me turn to the question of accountability. Governments bear the primary responsibility for protecting civilians. But other parties to armed conflict must also comply with their obligations under international humanitarian law — and all too often they do not. Those legal obligations should have legal consequences. It is incumbent upon the international community to end impunity by helping Governments create, maintain and operate credible and effective national courts where possible, or by supporting international and other mechanisms where necessary. The International Criminal Court can also be useful in the fight against genocide, war crimes and crimes against humanity.

Ongoing dialogue on this important subject is worthwhile. But this Council will be judged by its actions and their impact on civilian lives. I hope that we will take concrete action to directly challenge those who violate their obligations to protect civilians in armed conflict, that we will continue to craft peacekeeping mandates that back missions with the necessary training capability and leadership of deployed peacekeepers, and that we — both as a Council and in our national capacities — will help Governments emerging from conflict to rebuild their infrastructure and institutions to protect and provide for their civilians.

In that regard we urge continuation of the Secretariat's important work to develop a strategic framework for the protection of civilians in peacekeeping operations supported by mission-wide planning and senior leadership training. We also urge the Secretariat to complete the assessment of resources and capabilities required for those tasks as soon as possible.

We look forward to the next report of the Secretary-General on this crucially important topic. United Nations action has saved untold lives and eased unimaginable suffering, but in all too many places innocents still bear the brunt of war and conflict. We cannot yet afford to sleep easily.

Mr. Assaf (Lebanon): I wish to thank the Secretary-General for his comprehensive briefing, as well as the United Nations High Commissioner for Human Rights, Ms. Pillay, for her perceptive remarks and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Holmes, for his insightful comments. We wish him all the best in his next endeavour. Lebanon also expresses its support for the informal group of experts on the protection of civilians. Its diligent work, coupled with that of the Office for the Coordination of Humanitarian Affairs (OCHA), has been instrumental in reporting the realities on the ground.

Civilians continue to account for the majority of casualties in armed conflicts, even after more than a decade since the adoption of resolution 1265 (1999). Thus the prospects for building safe, peaceful and prosperous societies are eroded, as children's hope for the future is shattered, women and girls continue to be subject to endemic sexual and gender-based violence, and able men are killed or injured.

Tolerating impunity for the armed targeting of civilians only encourages perpetrators in their heinous

practices. Lebanon supports the establishment of standing mechanisms for the timely creation of independent fact-finding commissions in the immediate aftermath of hostilities. That would improve the Council's ability to fairly assess the realities on the ground and to take appropriate action against those parties undermining international law and international humanitarian law.

The use of cluster munitions as a means of indiscriminate attacks against civilians is particularly lethal, since its risks to civilians endure long after the conflict has ended. The Lebanese armed forces, assisted by the international community, are still working on clearing vast areas from the 4 million cluster bombs Israel dropped in the last 48 hours of the war it waged in 2006. Hundreds of civilians — a large proportion of whom are children — are still dying or losing limbs, four years on, as a result of unexploded munitions. Lebanon reiterates its demand that Israel pay due compensation for the Lebanese children and farmers harmed by cluster munitions, in addition to the fishermen and others affected by the oil spill caused by the Israeli bombing of the Jiyeh power plant in 2006.

Standing idle as human rights and international humanitarian law are violated and civilian access to aid is consistently impeded means abandoning the victims twice. The people of Gaza, whose hospitals and schools have been repeatedly bombed by the Israeli army, should be allowed to access, without waiting endless hours at checkpoints, the humanitarian aid that would cater to their basic human needs. Moreover, the blockade of Gaza should be lifted immediately and without conditions.

The efforts to protect civilians should also tackle the root causes hampering enduring peace and security, in addition to dealing with imminent physical threats. While Lebanon commends the work of the United Nations Relief and Works Agency (UNRWA) and OCHA in Gaza, the fact remains that unless the siege is lifted and the people of Gaza allowed to experience sustainable and sustained economic development, their basic human right to freedom from want and need will continue to be threatened. Lebanon also expresses its appreciation for the quick-impact projects carried out by the United Nations Interim Force in Lebanon, which have made an important difference in the lives of our citizens.

While there is no doubt that civilians in armed conflict are forced into vulnerable situations, it must be acknowledged that refugees and internally displaced persons (IDPs) are generally in even more precarious conditions. It is imperative that the international community exert a concerted effort to ensure the return of refugees and IDPs to safe and secure homes.

The Security Council has both a political responsibility and a moral duty towards defenceless civilians in situations of armed conflict, as well as towards humanitarian aid workers and journalists who risk their lives to help those vulnerable populations and to report on their plight. We owe it to them all to endow our peacekeeping operations with the necessary resources to carry out their mandates, as well as to embolden them with the necessary political will.

Mr. Churkin (Russian Federation) (*spoke in Russian*): At the outset, allow me to thank you, Madam President, for your initiative to revisit the issue of the protection of civilians in armed conflict.

In that connection, we believe that there is a clear need to be guided by the 1949 Geneva Conventions in labelling a situation as an armed conflict. That will enable us to better focus our efforts and to avoid counterproductive political interference.

We would also like to thank Secretary-General Ban Ki-moon, Under-Secretary-General John Holmes and High Commissioner for Human Rights Navanethem Pillay for their statements. We highly appreciate Mr. Holmes' work in one of the most complex areas in which the United Nations operates.

The subject under consideration today has long been at the very centre of United Nations and Security Council attention. At the same time, in spite of the efforts of the international community, the world continues to be plagued by armed conflicts that claim the lives of thousands of persons. That is the sad reality of our times. The majority of the victims of conflict are civilians, most of them belonging to the most vulnerable groups, namely, women, children and older persons. In addition, we do not find it useful to split the categories of civilians needing international protection into additional sub-categories. In that connection, we propose that we be guided strictly by the relevant provisions of the Geneva Conventions.

We resolutely condemn both wilful attacks against civilians and civilian loss of life as a result of

indiscriminate or disproportionate use of force, which constitute serious violations of international humanitarian law. Nor is there any justification for individual armed groups to seize hostages or carry out terrorist attacks against civilians.

We believe that improving the system for the collection and analysis of relevant data is necessary to effectively combat those phenomena. We request the Secretariat to be mindful of that in preparing future briefings to the Security Council on the issue of the protection of civilians.

It is clear that the protection of civilians is a priority task for all parties to a conflict. Peacekeepers, whose mandates increasingly include functions in that regard, have an important role to play in that connection. We therefore welcome the steps taken by the Department of Peacekeeping Operations to train peacekeeping personnel.

We believe that, in the current circumstances, the efforts of the international community should be aimed first and foremost at strengthening national efforts in this area. In order to enhance effectiveness in that regard, there is a need to take into account the specific characteristics of each conflict and to take the necessary decisions only on that basis, including with respect to the protection of civilians.

The United Nations should of course respond swiftly and effectively to instances of violence against civilians. What is important in that regard is that we work to prevent and to reduce conflicts and to disarm, demobilize and reintegrate former combatants. It is important that efforts in that regard be coordinated properly, with strict division of labour and responsibility in line with the Charter of the United Nations and other international legal instruments and under the leading role of the Security Council. We also believe that revisiting the issue of establishing new, separate Security Council mechanisms on the protection of civilians is not useful.

In conclusion, I would emphasize that only steadfast compliance by all parties with the norms of international humanitarian law and Security Council decisions, as well as the rejection of selective and unilateral approaches in interpreting violations, can promote improvements in conflict situations and strengthen genuine protection for civilians in armed conflicts.

Mr. Heller (Mexico) (*spoke in Spanish*): I would like to thank you, Madam President, and the delegation of Nigeria for convening this debate. I would also like to express my gratitude for the briefings by Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and High Commissioner for Human Rights Pillay, which have once again served to underscore the commitment of the United Nations to strengthening international humanitarian law in order to protect the victims of armed conflict.

I should like to make special mention of Under-Secretary-General Holmes. In carrying out his responsibilities in such an excellent manner, he has been part of one of the best aspects of the Organization on the ground — humanitarian protection.

The multiplicity and complexity of today's conflicts, the lack of respect for the norms of international humanitarian law and the use of increasingly sophisticated weapons that have indiscriminate effects on civilian populations are all factors that have served to increase the challenges facing the Security Council. They have become the raw material for determining the course that the international community must take in addressing an issue of such crucial importance.

Important progress has been made in fine-tuning legislation and international norm-setting bodies. Thanks to that progress, we have been able to more adequately elaborate the concepts on the protection of civilians in armed conflicts. The Council is moving in the right direction, as evidenced by last November's adoption of resolution 1894 (2009), which places an innovative focus on mandates for peacekeeping operations to ensure that they include plans of action and strategies for the protection of civilians that ensure coordination between United Nations missions and humanitarian organizations.

The Security Council has also made progress with regard to the protection of children in armed conflict. During the debate on that issue held a few days ago (see S/PV.6341), the representative of UNICEF pointed to the development of action plans for the successful demobilization of children in the Philippines, Nepal and the Sudan, which have resulted in freeing thousands of children in countries where United Nations reporting oversight mechanisms are in place. Nevertheless, our good intentions have not yet emerged from the realm of the abstract and we

continue to lament the various acts of aggression to which civilians are subject in different regions.

Violence in the Democratic Republic of the Congo continues to take a toll on the lives of millions of civilians. The humanitarian situation there, which is marked primarily by forced displacement and the use of sexual violence as a weapon of war, is among the world's most critical.

The deterioration of the situation in Somalia as a result of decades of armed violence and social and political instability is also worrying. In Darfur, the deaths of humanitarian workers providing assistance in conflict areas is alarming. In Chad, where half a million people require humanitarian assistance, preventing a restriction of the area in which humanitarian work is being carried out is a major challenge. Afghanistan, Gaza and Iraq are also at the centre of our concerns in that regard.

To these examples we must also add the fact that parties to current conflicts are making excessive use of force and using weapons prohibited by international law, causing indiscriminate harm to civilian populations and damaging goods that are essential for their survival, which are protected by international humanitarian law.

It is therefore essential that progress be made in the effective implementation of Security Council sanctions regimes, in particular arms embargoes. In a broader sense, meeting the international obligations set forth in the Palermo Protocol and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is essential.

My delegation reiterates the importance of having a balanced strategy that allows us to make progress in defending and protecting civilians in armed conflict. That should also include compliance with international humanitarian law and accountability in order to put an end to impunity as essential components in armed conflicts.

In that regard, we support the decision of the Secretary-General to undertake an impartial and independent investigation into the violations committed against the civilian population at the end of the armed conflict in Sri Lanka, including the appointment of a panel of inquiry. We call upon the authorities of the Government of Sri Lanka to cooperate and facilitate the work of the panel, which has as its sole objective the promotion of justice and national reconciliation in that country.

The Geneva Conventions of 1949, their Additional Protocols and other instruments of international humanitarian law and customary international law provide a solid foundation of principles and standards for protecting the life and dignity of all of those who are not participating in hostilities or who have ceased to do so. Strict compliance with international law should allow us to end the suffering of civilian populations affected by armed conflict and to provide guarantees that will make it possible to repair the damage done to victims, help them to rebuild their lives and restore their dignity as human beings.

We must also bear in mind that violations of international humanitarian law are war crimes and that Member States have the primary obligation for investigating and prosecuting those allegedly responsible for committing such acts. In that regard, as highlighted last week during the debate on the promotion and strengthening of the rule of law, the fight against impunity has been strengthened through the work of the International Criminal Court, the special and mixed tribunals and the specialized chambers of national tribunals. Nevertheless, it is important that States reaffirm their strong opposition to impunity and their responsibility to meet their obligations in order to put an end to it.

Our consideration of this issue today should contribute to overcoming political interests that hinder the full implementation of the obligations flowing from international law. It should also make it possible for us to respond quickly and decisively to any humanitarian crisis and to ensure accountability in the face of flagrant impunity. Let us not fall into an endless theoretical debate while reality on the ground overwhelms the Organization's capacity to act. On the contrary, let us make progress in consolidating a culture of respect for the principles and standards of international humanitarian law in order to eradicate impunity and repair the damage done to civilians in armed conflict.

Mr. Moungara Moussotsi (Gabon) (*spoke in French*): I would first like to thank your delegation, Madam President, for your initiative to convene this debate. I would also like to thank the Secretary-

General, Mr. John Holmes and Ms. Pillay for their dynamic leadership on the issue of the protection of civilians in armed conflict.

The topic that brings us together today lies at the very heart of the Organization's mission, namely, to promote peace, security, the well-being of civilian populations and respect for human rights. However, we must note that, despite the strengthening of the legal regime in the area of the protection of civilians, including resolution 1894 (2009), the number of civilian victims of violence in armed conflict remains, unfortunately, too high.

In approaching today's debate, we must keep in mind the suffering and deep distress experienced by millions of people, in particular women, children, the disabled and the elderly, whose lives are brutally plunged into horror on a daily basis. In the Democratic Republic of the Congo, the United Nations Mission has compiled figures proving the recruitment of 848 children in 2009. In Somalia, 110,000 people were displaced during the first quarter of 2010. Finally, in Afghanistan, over 2,150 communities are directly affected, with an average of 42 persons killed or injured by landmines and explosive devices every month.

Ensuring the protection of civilians in armed conflict remains a complex and multidimensional endeavour. It involves all aspects of the Security Council's work in the areas of maintaining international peace and security, humanitarian affairs, the rule of law and matters pertaining to international criminal law. I welcome the fact that today's debate is taking place directly after the Security Council examined consecutively, under Mexico's presidency, the issues of international criminal tribunals and of strengthening the rule of law in the maintenance of international peace and security.

My delegation would like to address two essential aspects related to our debate, namely, strengthening the mandates of peacekeeping operations and the responsibility of the perpetrators of violence.

Concerning the first point, my delegation remains convinced that the protection of civilians in armed conflict falls primarily to States themselves. The Council therefore cannot consider an effective response to this scourge without the full cooperation of the relevant State.

Gabon would like to commend the progress achieved in the past few years by the Council, in particular with regard to incorporating into the mandates of peacekeeping operations the urgent need to protect civilian victims of armed conflict. Recently adopted resolutions — including resolution 1933 (2010) on the United Nations Operation in Côte d'Ivoire, resolution 1925 (2010) on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and resolution 1919 (2010) on the United Nations Mission in the Sudan — illustrate this well. Indeed, the mandates of these peacekeeping operations are unique in that they adopt a comprehensive and integrated approach based on realities on the ground and are adapted to the crucial security needs of the populations concerned.

Such an approach enables us to better guarantee the security of displaced persons and refugees, to prevent sexual violence and to better protect children. The success of such an approach presupposes that peacekeeping operations have the necessary operational, technical, financial and human resources. Furthermore, it would be wise to improve the information exchange mechanisms between the various parties to, and stakeholders in, conflicts.

In that connection, my country welcomes the measures advocated by the Secretariat in the elaboration of the so-called New Horizon Initiative. In that regard, special focus should be placed on the need to strengthen cooperation between the United Nations and regional and subregional organizations.

In addition, the recommendations of the Special Committee on Peacekeeping Operations aimed at forging a genuine partnership to improve the planning, deployment and management of peacekeeping operations, inter alia in Africa, must remain at the very forefront of our concerns.

With respect to the second point, my delegation notes that the strengthening of peacekeeping operations will bear full fruit only if the Security Council continues to devote all the necessary attention to the issue of the criminal liability of the perpetrators of war crimes, crimes against humanity, crimes of genocide and all serious violence against civilian populations.

I am compelled to stress the need to pursue awareness-raising work on this issue with non-State armed groups, which too often undertake actions beyond the pale of the law and believe that they can

escape justice. This issue is closely related to our previous debate on the Security Council's action to end impunity. This allows us better to understand the link between the protection of civilians and the need for a strong State capable of upholding all the attributes of sovereignty. Our previous debates have also underscored the link between the need for justice and peacebuilding. This is the right place and time to recall the critical role played by national tribunals, ad hoc tribunals and the International Criminal Court in the fight against impunity.

In conclusion, I pay a personal tribute to United Nations personnel and all humanitarian organizations for their dedication to the worthy cause of the victims of armed conflict. Their activities in very difficult and dangerous circumstances have averted terrible humanitarian disasters and assisted those in distress. I hope it can be agreed that a more effective fight against violence against civilians in armed conflict requires vigorous and concerted global action to prevent conflicts.

Mr. Mugoya (Uganda): I thank you, Madam, for organizing this open debate. I thank the Secretary-General for his statement and Under-Secretary-General Holmes and High Commissioner Pillay for their briefings. We further thank Mr. Holmes for his dedicated service and wish him the very best in his future endeavours.

Uganda reiterates the importance it attaches to the protection of civilians in armed conflict. We are concerned that civilians still account for the vast majority of casualties during situations of armed conflict. The briefings we have listened to today indicate that there have been improvements in some areas of the protection of civilians agenda. However, there remains a lot of room for improvement. We welcome the Security Council's efforts to strengthen peacekeeping mandates in the area of protection of civilians, as evidenced in the recently renewed mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Mission in the Sudan in this regard.

In Somalia, the Al-Shabaab and Hizbul Islam groups, which are opposed to the peace process, have continued to carry out indiscriminate attacks on civilians and humanitarian workers. They use civilians as human shields in markets and similar environments. The African Union Mission in Somalia, consistent with its mandate, has supported the Transitional Federal Government, offered greater protection to civilians, and supported the peace process.

It is important to continue efforts towards more effective engagement with non-State actors and armed groups with regard to their obligations under international law. However, it is important for all concerned to take into account specific conditions on the ground, including risk assessments.

We are convinced that combating impunity and ensuring accountability for crimes and violations of human rights are fundamental prerequisites for the protection of civilians in armed conflict. When potential perpetrators know that they will be brought to account for their crimes, this serves as a deterrent. Uganda as a State party to the Rome Statute is committed to fighting impunity and ensuring justice for the victims.

At the recently concluded first Review Conference of the Parties to the Rome Statute of the International Criminal Court held in Kampala from 31 May to 11 June, States parties reiterated their determination to put an end to impunity for perpetrators of the most heinous crimes of international concern. It was significant that they emphasized that justice is a fundamental building block of sustainable peace. They also declared their commitment to continuing to strengthen efforts to promote victims' rights, including their participation in judicial proceedings and claims for reparations.

It is important for all parties to armed conflict to emphasize the dignity of civilians by acknowledging losses that result from lawful combat operations. In this regard, there is a need to make meaningful amends to affected individuals and communities, such as financial assistance and funding for humanitarian aid programmes. We encourage Member States to embrace the concept of making amends, not because there is any legal obligation to do so, but simply in the interest of mitigating suffering.

Uganda calls for a more comprehensive international legal framework for the promotion and strengthening of measures to prevent, mitigate and eliminate the root causes of internal displacement. The African Union made significant progress in this regard by adopting the Convention for the Protection and Assistance of Internally Displaced Persons in Africa at a summit held on 23 October 2009 in Kampala. The

international community should devote more time and resources to addressing the needs of refugees, returnees and internally displaced persons.

There is a need for greater recognition of the needs of persons with disabilities as a vulnerable group arising out of the indiscriminate use of landmines and explosive remnants of war. We call upon all subregional, regional and civil society organizations and Member States to support the victims and to undertake initiatives leading to the clearance of ordnance and the sensitization of civilian populations.

In conclusion, the primary responsibility of protection of civilians lies with national authorities, but regional organizations and, ultimately, the international community, have an important role to play. We believe that this debate will draw attention to some of the issues that require greater focus.

Mr. Takasu (Japan): I would like to express our gratitude to the Secretary-General, Under-Secretary-General John Holmes and High Commissioner for Human Rights Pillay for their statements. I pay special tribute to John Holmes for his service to the cause of humanity at the helm of the Office for the Coordination of Humanitarian Affairs for the past three and a half years.

The protection of civilians in conflict is a critically important item on the Council's agenda. Last year, the Security Council adopted resolution 1894 (2009) after a comprehensive review of this issue. The Secretariat also took measures to improve protection on the ground in response to criticism against the performance of some peacekeeping missions.

Yet, as the three briefings today testify, we still face many challenges, and further concerted action is essential. First of all, in consolidating the protection of civilians, standard-setting and the universalization of norms are important, of course, but strict compliance with all international humanitarian, human rights and refugee law is equally important, and enforcement is at the heart of any such action. This means that the Government authorities of a country in which a conflict occurs should act in accordance with international norms and humanitarian law, and respect the provisions of resolutions adopted by the Security Council on this subject.

We simply cannot allow Government troops or police forces to disregard the protection of civilians or even to become a threat to civilians. To that end, the rule of law should be established through security sector reform, and judicial reform should bring an end to impunity. A policy of zero tolerance has very little value unless it is enforced throughout the security establishment without regard to rank or position.

Another serious challenge is how to address violence against civilians and hindrances to humanitarian work committed by non-State armed groups. Calling for non-State armed groups to comply with humanitarian law, as we customarily do in Security Council resolutions, is clearly inadequate.

Effective ways should be found to cope with the tactics of non-State armed groups, such as the Lord's Resistance Army. Peacekeeping missions may be able to provide logistical support, upon request, for Government forces fighting non-State armed groups, but such support should be provided only when clear and strict conditions are met so that it will not lead to violence against civilians.

The most effective step we can take is to promote the political process among the parties concerned through engaging non-State groups so as to achieve ceasefires and eventually peace agreements. If a political solution cannot be achieved, appropriate measures should be taken to keep the violence committed by non-State armed groups to a minimum. One way is targeted sanctions against those violators of humanitarian law. That method should be considered more strategically. Sanction regimes could also be utilized to prevent weapons from flowing in from outside the country. Controls over small arms should be strengthened at the regional level.

But, obviously, military or coercive measures alone cannot resolve conflicts. We should address root causes such as protection of minorities and access to natural resources, food and water. Comprehensive but also country-specific strategies should be developed to promote civilian protection and should involve all actors, including regional organizations.

Half of the peacekeeping operations now in the field have protection of civilians as a main mandate from the Security Council. Despite some improvement in the last 18 months, there remains a noticeable gap between mandate and expectation, on the one hand, and implementation and action on the ground, on the other hand. I would like to stress three steps that

should be taken so that peacekeeping missions can implement the mandate more effectively.

First, in country-specific protection strategies that are designed to translate the Council's mandate into concrete actions, the mandate to protect civilians should be reflected in more specific terms by identifying targets and means of protecting local populations, humanitarian workers, refugees and internally displaced persons. Also, the strategies and means of achieving the objective should be shared with the Council so that there is a common understanding as to how the mandate is to be implemented. There should therefore be no gap between expectation and implementation.

Secondly, it is essential to ensure that there are adequate resources and capacity for effective implementation. To that end, information on resource implications should be provided to the Council at the launch of a new mission or a revised mission. Two key issues in the protection of civilians are, first, the mobility and training of units and, secondly, intelligence capacity, since troops often have to operate in vast and geographically diverse areas.

In particular, I would like to stress the shortage of utility helicopters, which has been emphasized so many times by the Secretary-General and his senior colleagues in the Secretariat. But a solution that meets that challenge has not yet been found. I have personally tried to address the issue through the Working Group on Peacekeeping Operations, which is a subsidiary organ of the Security Council and thus supports the Council's work, in connection with its consideration of the capacity gap in mandate implementation. However, regrettably, there is no consensus on what to do with this issue in the Working Group.

I believe that addressing this issue is the single most specific and concrete step the Council can take to contribute to protection of civilians. I appeal therefore to members of the Council to demonstrate strong leadership by cooperating with the General Assembly on this issue. Indeed, because responsibility is overlapping, it is difficult to find a solution. In order to address and find a solution on this chronic and very critical issue as soon as possible, it would helpful if the Secretary-General could submit a proposal to serve as a basis for the work of the Security Council and the General Assembly on this matter.

The third point is that strategies and guidance on the implementation of protection of civilians should be shared at different levels: the policy level, the operational level and the tactical level.

The operational guideline, which has been developed by the Department of Peacekeeping Operations, is useful as common guidance across missions. Any change in mandates decided by the Council should be kept updated on a mission-by-mission basis so that the concept of operations can be immediately adjusted by the troops on the ground.

I would like to emphasize the importance of close consultation in this connection among the Security Council, the troop-contributing countries, police-contributing countries and the Secretariat. It is also important to share best practices among the missions. For example, what happened at the United Nations Organization Mission in the Democratic Republic of the Congo with the establishment of the joint protection team and a temporary base and the strengthening of communication with local populations are all useful and could usefully be followed by the United Nations Mission in the Sudan.

I am pleased with the recent progress regarding women and children in conflict, the appointment of Ms. Wallström as the Special Representative of Secretary-General on Sexual Violence in Conflict, and the adoption of the presidential statement last month to strengthen measures against persistent perpetrators of violence against children (S/PRST/2010/10).

In closing, I would like to reiterate how relevant the human security approach can be as the basic rationale for efforts to protect and empower those civilians who are most vulnerable. This multisectoral and human-centred approach focuses on both protection and empowerment at the individual and community levels. It is for this reason that Japan has been providing support, including through the United Nations Trust Fund for Human Security. Japan is committed to extend every possible support to protection and empowerment of civilians.

Mr. Araud (France) (*spoke in French*): I wish to thank the Secretary-General and the High Commissioner for Human Rights for their briefings.

I associate myself with the statement to be made by the representative of the European Union.

Of course I want to pay tribute to Sir John Holmes, whose last statement to the Council in his capacity as Under-Secretary General for Humanitarian Affairs we have heard today. Thanks to his work, the Council today better understands the situation on the ground.

I will devote my statement to two points — peacekeeping operations and the respect for international humanitarian law.

First, with regard to peacekeeping operations, it behooves us to continue our efforts to strengthen the strategic control of these operations. We would like the informal group of experts, with the Security Council Working Group on Peacekeeping Operations, to provide a follow-up on the protection of civilians. The success of the United Nations will be measured by the significant contribution that our actions bring to the protection of civilians. Our credibility is at stake here.

That having been said, the responsibility for the protection of civilians primarily falls to national authorities. A peacekeeping operation can make up for a State's weaknesses or temporarily support its actions, but that does not in any way diminish the responsibility of host States, first of all with regard to the protection of individuals and their rights.

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and United Nations Mission in the Central African Republic and Chad (MINURCAT) illustrate the challenges confronting us.

In the Democratic Republic of the Congo, the protection of civilians remains the priority of the Blue Helmets' mandate. The situation remains volatile, especially in the eastern part of the country. It is out of the question to consider having MONUSCO leave as long as the Congolese security forces are not in a position to take over in good conditions. The training of the army and police should lead to redeployment of the forces of order in liberated areas without any security vacuum, and to the lasting restoration of the authority of the Congolese State, including in the judicial field, throughout the territory.

In Chad, we are wedded to the preserving the continuity of the protection of civilians. That is why we have ensured that the transfer of the protection mission of MINURCAT to the Chadian authorities will be as gradual and coordinated as possible.

Beyond MINURCAT and MONUSCO, civilians remain a concern of the Council. In Darfur, attacks against civilians do not come about by chance; they are organized and have been deemed crimes against humanity by the International Criminal Court. In the climate of impunity that prevails in Darfur, the African Union-United Nations Hybrid Operation in Darfur faces repeated attacks, which prevent it from protecting civilians in a satisfactory way. The Security Council will have to look at ways to respond to the situation.

Peacekeeping operations are critical, but so also, as I have said, is respect for international humanitarian law.

All the parties to a conflict, States as well as armed non-State groups, must respect international humanitarian law. They must spare civilians in the conduct of hostilities and grant special attention to women and children. Our primary responsibility is to ensure that they do not shirk that obligation.

Indiscriminate attacks against civilians and attacks against humanitarian actors have become increasingly commonplace. Humanitarian space is no longer a sanctuary. The obstacles to access to humanitarian aid in Sudan, for example, are of a criminal nature. The blockade of the Gaza Strip must be lifted. The recent decision of the Israeli Government constitutes a first step, but nothing more that a first step, on the path which must lead to the lifting of the embargo.

We would like to see the Security Council better and more regularly informed on the scale of restrictions to humanitarian access, on a country-by-country basis. The informal group of experts on the protection of civilians must address those issues as well as the other threats facing civilians in situations we are tracking. For our part we are determined to act against those who deliberately seek to deprive civilians of humanitarian assistance, including by adopting sanctions, as the relevant sanctions committee has already done in the case of Somalia.

Violations of international humanitarian law must not remain unpunished, which means that impartial and independent investigations are required. In principle, they should be conducted by national authorities and lead to trials of those responsible. In cases where the authorities are incapable of conducting such investigations alone, or do not wish to, the United Nations must act, as a support or in their place.

In that regard, we welcome the cooperation of the Guinean authorities with the International Commission of Inquiry set up by the Secretary-General following the massacre of 28 September 2009, as well as with the International Criminal Court in the context of its preliminary inquiry. We welcome the appointment of the members of the panel of experts established on 22 June to advise the Secretary-General regarding responsibilities relative to allegations of violations of human rights and international humanitarian law during the final stages of the conflict in Sri Lanka. We urge the Government of Sri Lanka to cooperate with them and thus to fulfil the commitment it has undertaken to fight against impunity. There will be no lasting peace without justice. France has also called for the establishment of a board of inquiry on the events in Kyrgyzstan.

Beyond the crises which may draw the attention of international public opinion, States must resolutely commit themselves to the fight against impunity. We call upon all States, especially the Sudan, to ratify the Statue of Rome and to cooperate with the International Criminal Court in conformity with Council resolution 1593 (2005).

Ms. Čolaković (Bosnia and Herzegovina): We would like to thank you, Madam President, for having organized this debate. We also express our appreciation to the Secretary-General for his comprehensive report and our thanks to Under-Secretary-General Holmes and to High Commissioner Pillay for their comprehensive briefings today. We also wish to thank the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs for the study on implementation of protection mandates in peacekeeping operations.

In four days, on 11 July 2010, we will solemnly commemorate the fifteenth anniversary of the genocide committed in July 1995 in the United Nations safe area of Srebrenica, which was established pursuant to Security Council resolution 819 (1993). In that resolution the Council demanded that "all parties and others ... treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act". However, the Bosnian Serb forces attacked Srebrenica, and the United Nations failed to deter their attack.

The International Court of Justice, in its Judgement of February 26 2007, ruled that

> "the Bosnian Serbs devised and implemented a plan to execute as many as possible of the military aged Bosnian Muslim men present in the enclave" *(para. 292)*

and that the acts committed at Srebrenica

> "were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS [Army of Republika Srpska] in and around Srebrenica from about 13 July 1995" *(para. 297)*.

The Srebrenica genocide has become a symbol of the international community's impotence to intervene and protect the civilian population.

The United Nations, by its own admission, bears part of the responsibility for the crimes committed at Srebrenica. The Secretary-General's 1999 report on Srebrenica unequivocally states:

> "Through error, misjudgment and an inability to recognize the scope of the evil confronting us, we failed to do our part to help save the people of Srebrenica from the Serb campaign of mass murder. ... Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral cause as a military conflict. The tragedy of Srebrenica will haunt our history forever." (A/54/549, para. 503)

It is therefore only appropriate to begin this statement by paying sincere and heartfelt tribute to the more than 8,000 boys and men killed in what has been declared the worst atrocity committed in Europe since the Second World War. Our heart goes to their families along with sincere hope that all of them will find the remains of their loved ones and that all those responsible for the genocide in Srebrenica will be brought to justice.

The issue of protection of civilians in armed conflict is one to which Bosnia and Herzegovina attaches great importance. We express our commitment to work jointly with others to implement the study recommendations, in consultations with all relevant actors.

Last year we marked 10 years of the Security Council's activities regarding the protection of

civilians in armed conflict, and we can freely say that much has been achieved. Nevertheless, unfortunately, civilians are still and too often targets of armed attacks and atrocities as well as victims of human rights abuses, in particular rape and sexual violence. Hence we are of the view that even stronger efforts should be made in the future to ensure more effective protection of civilians in armed conflict.

To that end, Bosnia and Herzegovina urges Member States to work on full implementation of resolutions 1325 (2000), 1674 (2006), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009) and 1894 (2009), which give peacekeeping missions and all other relevant actors the mandate to take effective measures to protect civilians in armed conflict. We also request all parties to armed conflicts to fully comply with their obligations under international humanitarian law concerning the protection of civilians in armed conflict.

In that context, Bosnia and Herzegovina underlines the need to combat impunity for perpetrators of violence against civilians. The Security Council should take every opportunity to send a message that crimes committed against civilians are unacceptable and that all perpetrators of grave violations of human rights and international humanitarian law will be brought to justice.

Bosnia and Herzegovina is deeply concerned about the issue of unsafe and too-often impeded humanitarian access to populations affected by conflict. As a result of this phenomenon, millions of vulnerable people, particularly internally displaced persons and refugees, are deprived of assistance and protection. We are also troubled by attacks against humanitarian workers, which must be strongly condemned. We call for strengthened action in this area and point out the importance of broadening understanding and acceptance of independent, neutral and impartial humanitarian actions.

We point out that peacekeeping operations continue to make significant contributions to the safety and security of civilians. The Security Council expert group on the protection of civilians and aide-memoire on the protection of civilians (see S/PRST/2009/1, annex) have further contributed to systematic and consistent attention to the issue in their mandates. However, the challenge remains of determining how, on the one hand, to maximize the impact by addressing gaps between mandates, interpretations and implementation capacity, and, on the other, how to improve the tools which already exist.

Bosnia and Herzegovina would like to take this opportunity to urge the Secretariat to work towards developing a strategic framework and to recognize the importance of improving planning processes and developing training modules by using a best practices guide of measures taken by current peacekeeping operations to protect civilians. We also stress the need to launch a website of the Policy, Evaluation and Training Division of the Department of Peacekeeping Operations in order to enhance global peacekeeping capacity by providing the peacekeeping community with timely access to relevant training standards, materials and tools, as well as relevant guidance documents. In addition, increasing the number of female peacekeepers and trained civilian personnel will largely contribute to adapting strategies and concrete methods to properly address sexual and gender-based violence.

Before concluding, and in regard to current United Nations peacekeeping missions, I would like to reiterate Bosnia and Herzegovina's grave concern about the consequences which the premature withdrawal of the United Nations Mission in the Central African Republic and Chad could have on the protection and security of civilians, access to humanitarian assistance for refugees and internally displaced persons, and security sector reform efforts. For that reason, we would like to see the United Nations presence remain in Chad until clear signs of stable humanitarian and security situations on the ground are reported and the transfer of responsibility for the protection of civilians to the Chadian authorities has been carried out effectively. Assessment of the progress in implementing standards with regard to the protection of civilians would be useful in the evaluation of further engagement of the United Nations in Chad.

In conclusion, on the basis of our tragic experience, I would like to underline that Bosnia and Herzegovina attaches the utmost importance to the protection of civilians in armed conflict. We consider that the Security Council, Member States and the United Nations must do everything to ensure full respect for the principles of international humanitarian law, human rights law and refugee law, as well as other relevant principles related to the protection of civilians

in armed conflict. The mistakes made in Bosnia and Herzegovina and Rwanda should serve as constant reminders that we must give top priority to the protection of civilians and do our utmost to never allow a repeat of Srebrenica.

Mr. Çorman (Turkey): I thank the Secretary-General for his comprehensive statement. I also thank Under-Secretary-General Holmes and High Commissioner Pillay for their extensive briefings.

The majority of casualties in armed conflicts continue to be civilians. We strongly condemn all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force. As the Secretary-General outlined in his statement, we are still witnessing challenges in different parts of the world in this field. However, the recent debates in the Council on the protection of civilians have been held under the shadow of the tragic developments in Gaza. Today's debate is no exception. Needless to say, recent incidents there have reminded us all once again of the importance of full compliance with international law and the principle of proportionality, and of ensuring safe humanitarian access to civilian populations, particularly to vulnerable groups such as women, children and disabled persons.

The protection of civilians — all civilians — is a moral imperative. International law has developed a plethora of rules to protect civilians and, as the High Commissioner for Human Rights also indicated, all parties to armed conflict must be held accountable to those rules. Still, even when parties fully comply with applicable law, many civilians become victims nonetheless. Turkey calls on parties to armed conflict to make amends to the civilians they harm in the same spirit and in view of their inherent human dignity. In this context, we would like once again to bring to the Council's attention our expectations regarding the investigation on the humanitarian convoy destined for Gaza.

The primary obligation for protecting civilians lies with States. The international community also has a responsibility to help protect civilians in situations where States fail to do so. We must address the actual problems on the ground, including in our decisions on peacekeeping mandates.

Turkey considers the adoption of resolution 1894 (2009) last November to be a turning point. We welcome the increased attention paid by the Council to protection issues. We recognize the importance of the Security Council's resolutions on women, peace and security, as well as on children and armed conflict, to further promote the protection agenda. We welcome the recently adopted resolutions on these areas. As we have long stressed, a stronger interaction among the Council, troop and police contributors, special representatives of the Secretary-General and missions contributes to greater coherence.

The protection of civilians during peacekeeping operations is another challenge. The commemoration of the Srebrenica tragedy this week should be a reminder to all of us.

We note the fruitful discussions on the protection agenda. We fully support them. However, we have three general observations.

First, there is the inclination to stress the importance of dialogue with non-State armed groups. While understanding its rationale, we believe that this new trend requires further careful elaboration of both its political and its legal aspects.

Secondly, calling counter-terrorist efforts armed conflict cannot be accepted. We strongly condemn acts of terrorism and the use of civilians as human shields, and acknowledge the legitimate right of Governments to combat terrorism.

Thirdly, the concepts of the protection of civilians and the responsibility to protect should not be mixed up with each other. In our view, they are two different concepts that must not be confused.

We should strengthen the rule of law, human rights, democracy and good governance for the long-term, lasting protection of civilians. We should ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should know that they will eventually face justice.

I would like to conclude by thanking Under-Secretary-General John Holmes for his excellent and tireless work for the United Nations humanitarian cause, and I wish him all the best in his future endeavours.

Mrs. Viotti (Brazil): I would like to thank the Secretary-General for his comprehensive statement. I also thank Under-Secretary-General Holmes and High Commissioner Navi Pillay for their briefings this morning.

Brazil would like to join you, Madam President, and previous speakers in paying special tribute to Sir John Holmes. We have greatly appreciated his work. During his tenure, we went through numerous humanitarian crises and his leadership and dedication made the response of the international community more effective and the suffering of those affected less unbearable. We wish him every success in his future endeavours.

Brazil attaches great importance to the protection of civilians in all its aspects. We have sought to actively contribute to the many dimensions of the issue, including the questions of humanitarian access, improving compliance with humanitarian, refugee and human rights law, strengthening the International Criminal Court, and promoting the well-being of internally displaced persons, among others. Today, I wish to focus on the protection of civilians in peacekeeping operations.

This year's report of the Special Committee on Peacekeeping Operations (A/64/19) demonstrated the growing consensus on the importance of the protection of civilians by peacekeepers. It encouraged the Secretariat to continue its conceptual and operational work in that area, including through the preparation of training modules. We deem it very important that the Department of Peacekeeping Operations continue to closely engage with troop- and police-contributing countries throughout that process.

The Special Committee also requested the Secretariat to prepare strategic frameworks for mission-wide protection strategies. Such strategies are particularly important inasmuch as they reinforce the fact that the protection of civilians is a multidimensional task. They should clarify the relevant protection roles of all mission components, including police, human rights, civil affairs and public information.

The Council has been very clear with regard to the priority that it attaches to the task of protecting civilians. Nevertheless, we must ask ourselves if that priority is adequately reflected in the means and resources that are given to those responsible for making protection a reality on the ground.

On the military side, we must continue to consider issues such as training, guidance, oversight mechanisms, intelligence, the dissemination of information on international humanitarian law, and the use of non-lethal armaments and techniques. We must also ensure, however, that the civilian aspects of a mission receive equal attention, including in terms of adequate staffing and guidance materials. The Secretariat and the General Assembly must work together to ensure that the civilian components of missions are properly backstopped at Headquarters.

Civilian components play a central role in the preventive dimension of the protection efforts of peacekeeping missions. Missions must work together with other actors, particularly those in the areas of development and human rights, to create a protective environment. In addition, establishing a positive, two-way dialogue with the local population is an important factor in ensuring the sustainability of post-conflict peace and stability.

The debate on the protection of civilians by peacekeeping operations should not be read as a false opposition between protection and other mandated tasks. When confronted with gross violations of human rights, peacekeepers face a moral obligation to act. Moreover, standing by while such abuses are committed can imperil the mission's credibility in the eyes of other actors and compromise its ability to fulfil other mandated tasks. On the other hand, a mission that protects civilians under imminent threat but makes no progress in helping address the underlying causes of the conflict or in peacebuilding tasks will not lead to a sustainable peace. Helping States onto the path of peace, stability and development is, ultimately, the best way for the United Nations to contribute to the long-term protection of civilians.

The protection of civilians by peacekeeping missions is one dimension of a multifaceted issue. Many others deserve careful attention from the relevant bodies. Among those, I would cite how to ensure compensation for damages to civilian victims of conflicts even when they derive from actions committed in accordance with international law; how to preserve cultural, collective and community rights in situations of armed conflict; and how to strengthen local mechanisms of justice, monitoring and prevention.

My delegation is ready to work with other Member States and the United Nations system in order to address those and other central questions in our collective strategy to ensure the adequate protection of civilians in armed conflict.

Mr. Wang Min (China) (*spoke in Chinese*): I wish to thank Nigeria for taking the initiative to convene this open debate. I would also like to thank Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and High Commissioner Pillay for their statements.

During his term of office, Sir John Holmes has made an outstanding contribution to the work of the United Nations in the area of humanitarian assistance. I would like to take this opportunity to express our appreciation and to wish him all the best in his future endeavours.

In recent years, the Security Council has attached great importance to the protection of civilians and made vigorous efforts to that end. However, owing to the changing nature of armed conflicts and various complex factors, civilians in many regions of the world still find themselves under threat in situations of armed conflict. The international community faces an uphill battle in ensuring the protection of civilians. We are deeply concerned that, in some armed conflicts, civilians are subject to threats and violence, and we urge the parties to such conflicts to abide by international humanitarian law and the relevant Security Council resolutions and to protect the lives and property of civilians and their legitimate rights and interests.

China urges the Security Council to make further efforts to strengthen the protection of civilians in armed conflict. In that regard, I wish to underscore the following points.

First, we must start from the source and address the issue holistically. As the organ entrusted with the primary responsibility for maintaining international peace and security, the Security Council is duty-bound to address the issue of protecting civilians in armed conflict. The Council should focus on the root causes of the problem, invest more energy in the prevention and monitoring of conflicts, and, at the same time, place the protection of civilians in the overall context of the political process for the peaceful settlement of disputes.

Secondly, we must stress the responsibility of the States concerned and respect their wishes. National Governments have the primary responsibility for protecting civilians. While the international community can provide constructive help, it must do so in compliance with the provisions of the Charter of the United Nations and while respecting the sovereignty of the countries concerned and refraining from intervening by force. Dialogue between the United Nations and non-State armed groups should be carried out within the framework of cooperation between the United Nations and the countries concerned, with the consent of the Governments concerned. With regard to combating impunity, we are in favour of letting the domestic judicial systems of the countries concerned play the role of principal channel.

Thirdly, progress must be made step by step and we must concentrate on implementation. In connection with the protection of civilians, we already have in place a comparatively set of international legal rules. The key now is to ensure the comprehensive, equitable and effective implementation of those rules. The relevant United Nations organs and international treaty bodies should continue to play an important role to that end. The Security Council has already adopted a significant number of resolutions and presidential statements on the protection of civilians in armed conflict. Our task in the next phase should be to push for the effective implementation of those documents.

Fourthly, we must proceed from the actual situation and adapt to local specificities. Giving a United Nations peacekeeping mission a mandate to protect civilians is a decision to be made by the Council on a case-by-case basis. In our view, in designing the mandate for civilian protection, it is necessary that we base our work on actual needs and take into full consideration the situation on the ground and the resources and capacities of the peacekeeping mission concerned. It is imperative not to resort to generalizations. We are not in favour of invariably endowing all peacekeeping operations with mandates to protect civilians in disregard of practical conditions. Adhering to the three principles of the consent of the country concerned, impartiality and the non-use of force except in self-defence is the key to the success of peacekeeping operations. Any deviation from those basic principles will cause more conflicts and problems, even to the point of jeopardizing the success of the peacekeeping operation concerned, rather than help to protect civilians.

Most ongoing conflicts are taking place in areas with backward economic and social conditions. The United Nations should actively mobilize international resources to provide financial and technical assistance to the countries concerned so as to help them to

develop their economies and eradicate poverty, thereby eliminating the source of conflict. We look forward to a greater role in that regard to be played by the General Assembly, the Economic and Social Council, the United Nations Development Programme, international institutions such as the World Bank, and regional organizations.

The President: I shall now make a statement in my capacity as the representative of Nigeria.

We are very grateful to Secretary-General Ban Ki-moon for his very insightful statement. I also commend Under-Secretary-General for Humanitarian Affairs John Holmes and High Commissioner for Human Rights Pillay for their very enriching briefings. We are grateful that, together, they have kept this subject at the forefront of our concerted efforts to bring peace and stability to the world.

Resolution 1894 (2009) laid out important principles related to adherence to international humanitarian, human rights and refugee law and to best practices for implementing civilian protection mandates. In their 2009 joint study on the protection of civilians in peacekeeping operations, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations highlighted that the lack of clarity in the language of civilian protection mandates could affect the effectiveness of resources and training to meet civilian protection needs. It is imperative that this be addressed.

It is also important that we monitor very closely mandate implementation in the field. That is where the Secretary-General's reporting capability and the work of the Council's informal expert group on the protection of civilians can add the most value by reporting on the challenges in implementing the protection mandate alongside other mission objectives.

To address the gap in the link between the Security Council and activities in the field, it is essential that the Council always be fully briefed in advance of peacekeeping deliberations. We hope that the Secretariat will draw from lessons learned in the meetings with troop- and police-contributing countries in order to add to the quality of the briefings.

We should not forget that civilians may also be caught in the crossfire in circumstances where there is no peacekeeping force in place. In such situations, the Council must act swiftly and with purpose. The updated aide-memoire (see S/PRST/2009/1, annex) is an invaluable tool that sets out pathways for analyzing each situation and deploying the appropriate tools at the Council's disposal. For that, we are grateful and indebted to OCHA.

Nigeria reiterates the call on all parties to conflict to respect the laws of armed conflict. Those parties should manifest such respect by creating neutral zones or corridors for the unimpeded delivery of humanitarian assistance, so that civilians may be safely evacuated or provided with assistance without threats to their well-being.

In just over three weeks, the Convention on Cluster Munitions will enter into force. That is an important instrument in terms of marking consensus against the use and stockpiling of munitions that cause unacceptable harm to civilians. It also stigmatizes those actors who do not adhere to its standards. It marks a further step on the road to minimizing so-called collateral damage in armed conflict. It is hoped that it will also enhance capacity to better serve those whom we have a responsibility to protect. By so doing, we might establish conditions for a just and peaceful world in which all can live in larger freedom.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): At the outset, allow me to congratulate Sir John Holmes, Under-Secretary-General for Humanitarian Affairs, on his commendable efforts as the head of the Office for the Coordination of Humanitarian Affairs (OCHA). His leadership and commitment have been crucial in facing a period in which, despite scientific, moral and ethical progress, innocent civilian populations in various parts of the world continue to suffer from harsh ongoing attacks, both as collateral damage and as a result of being the direct targets of aggression.

In addition to being an ethical imperative that is part of a long process of the development of human conscience towards civil behaviour that places respect for human life, integrity and human dignity at the centre of its concerns, the protection of civilians is also a legal imperative rooted in universally accepted norms of international humanitarian law. In that connection, with respect to civilian protection provided by the United Nations in the context of peacekeeping

operations, we should also bear in mind the consent of host countries and the existence of a Security Council resolution mandating that task.

Any humanitarian response must be sustainable and take the development perspective into account. It is therefore essential to ensure appropriate national capacity-building, in particular in those cases in which constraints arise as a result of the physical environment. We regret that, in other cases, constraints arise as the result of Government policies or of practices on the part of local actors that interfere with humanitarian operations. The Secretary-General's reports thus continue to call for the facilitation of timely and rapid access, given the many obstacles that still exist, even when obligations exist under international humanitarian law.

Uruguay would like to reiterate the urgent need for all stakeholders in all situations to preserve, strengthen and respect the norms of international humanitarian law in order to ensure full respect for the principles of humanity, neutrality, impartiality and independence, and the pressing need to facilitate access for humanitarian personnel and ensure appropriate security conditions for the successful completion of their tasks.

In this respect, it is important to consider the possibility of opening dialogues with non-State armed groups. Such dialogue should in no case imply a legitimization of those groups; rather, it should be aimed at achieving understanding and respect on their part for the norms of international humanitarian law.

Among those groups that find themselves in vulnerable situations, women and children continue to require special protection. Despite the significant achievements in this area, much remains to be done to ensure their proper protection. Recognizing the victims' suffering and the importance of bearing in mind the needs of the civilian population affected by armed conflict should also receive greater attention from the international agenda.

We reiterate the need to pay greater attention to the reintegration of victims who have had their rights seriously violated, in particular in cases of sexual abuse or exploitation. It is, in our view, essential that we continue to fight against the impunity of those responsible for violations that are in clear contravention of international norms in these areas.

We experience the complexity of protecting civilians through peacekeeping operations on a daily basis through our military and police personnel deployed on the ground. In addition to material shortcomings is the issue of political sensitivities. On the one hand, we must avoid the premature withdrawal of missions when true security has not yet been established; on the other, this must go hand in hand with the principle of consent by the host country, which has the primary responsibility of providing this protection. This is a crucial aspect that underpins the legitimacy of the peacekeeping system and sets it apart from other alternatives.

We therefore believe it essential that the various stakeholders — the host State, the Council, the Secretariat and the troop-contributing countries — all work hand in hand in drafting realistic indicators that are focused on the well-being of the population. Once these indicators have been agreed upon, they must be complied with. Should they not be complied with and should the mission be withdrawn, the credibility of our Organization will be significantly damaged.

Despite the difficulties I have just listed, we underscore the tangible progress that has been achieved at Headquarters and on the ground over the past year in the protection of civilians in the context of peacekeeping operations. The necessary rapprochement between the Security Council and the General Assembly in the area of peacekeeping in general and the protection of civilians in particular is under way. This lends greater legitimacy to such activities and encourages less resistance to them, and gives rise to a greater commitment among all stakeholders involved in their implementation.

The Special Committee on Peacekeeping Operations has deepened and broadened its commitment to civilian protection through a serious and comprehensive consideration of the matter, including the issue of training and the essential need for a true correlation between mandates and resources. In this respect, it is essential that concrete efforts be undertaken to close the material capacity gap.

Furthermore, the Secretariat has received from the Committee a mandate to draft a strategic framework and from the Council a mandate to draft guidelines. We note that this is more than a merely semantic difference. However, it invites us to focus on those matters on which we can reach common

agreement. In coming months, we will have in our hands many documents of great importance, which should be openly discussed. We will be working as closely as possible so that when we speak of protecting civilians, all of those involved will be speaking of the same thing.

The President: I give the floor to the representative of Germany.

Mr. Wittig (Germany): Germany fully aligns itself with the statement of the European Union. Let me at the outset thank Under-Secretary-General John Holmes for his statement and for his work at the Office for the Coordination of Humanitarian Affairs (OCHA), and wish him all the best for the future. Let me also extend a very warm welcome to Ms. Pillay. The voice of the United Nations High Commissioner for Human Rights is particularly relevant in this debate.

We are pleased that the past few months have seen relevant progress on protection issues in the United Nations. Like many other speakers, we consider the adoption of resolution 1894 (2009) last November to be a landmark decision, requesting the Secretary-General to develop an operational concept for the protection of civilians in United Nations peacekeeping operations. We are looking forward to the report of the Secretary-General in November this year.

The independent study by the Department of Peacekeeping Operations and OCHA published in January has also provided a valuable analysis of the successes, setbacks and remaining challenges concerning the protection of civilians in peacekeeping operations. It also makes a number of concrete proposals to remedy existing shortcomings.

We also welcome the recommendations that the Special Committee on Peacekeeping Operations has provided with this year's report (A/64/19). Clear and achievable mandates for peacekeeping operations remain key, providing the missions with the needed resources and with the strategic framework to guide senior mission leadership in elaborating a comprehensive protection strategy.

We recognize the important work the Security Council has done to enhance the protection agenda on such issues as women, peace and security and children and armed conflict. Only last month, the Security Council adopted a presidential statement on children and armed conflict (S/PRST/2010/10), which called for an increased exchange of information between the Security Council Working Group on children and armed conflict and relevant sanction committees of the Security Council. The Security Council also expressed its willingness to adopt targeted measures against persistent perpetrators. We believe that this is a step in the right direction.

Despite the positive developments I mentioned, challenges remain. In our intervention on the protection of civilians last November (see S/PV.6216), we highlighted a number of challenges related to United Nations peacekeeping operations. We argued for enhanced mandating, better doctrine and preparation, improved planning and preparedness, and a comprehensive approach throughout peacekeeping missions.

All these issues remain valid today. They should, however, not obstruct our view of the specific requirements of the protection of civilians at the mission level. Special representatives and force commanders are responsible for implementing the protection agenda in the field. The international community, humanitarian actors and, above all, affected populations have legitimate expectations that protection mandates will be implemented on the ground. It is important that missions make use of all their military, civilian and, above all, political resources to fulfil this important task, in accordance with respective Security Council mandates. In this, they require and deserve the full support of the Security Council and the international community as a whole. The issue of the implementation of protection of civilians measures at the mission level was thoroughly discussed in the debate about the extension of the United Nations Organization Mission in the Democratic Republic of the Congo/Organization Stabilization Mission in the Democratic Republic of the Congo, and should be addressed by the Security Council when deciding about the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur in a few weeks' time.

To conclude, let me briefly stress the corrosive effect impunity has on respect for international law. Ensuring compliance and accountability is key to enhancing respect for applicable international law. States must not fail in their responsibility to thoroughly investigate and prosecute persons suspected of war crimes, crimes against humanity or other serious violations of international humanitarian law.

The protection of civilians is an important cross-cutting issue which is of particular relevance to my country, given the contributions Germany makes to United Nations peacekeeping operations. We will actively participate in future debates on this issue.

The President: I now give the floor to the representative of Italy.

Mr. Ragaglini (Italy): Madam President, I wish to thank you for convening this debate. I also would like to express my deep appreciation to Under-Secretary-General John Holmes for his briefing, which gives us an overarching picture of the challenges we face in the protection of civilians in armed conflict. I seize this opportunity to commend his tireless commitment in defending the lives of civilian victims of conflicts worldwide and wish him all the best in his future endeavours. I also wish to thank High Commissioner for Human Rights Pillay for her contributions.

Italy fully associates itself with the statement which will be delivered by the head of the European Union delegation on behalf of the European Union, and we also wish to make some further remarks.

I will start by focusing on some of the main concerns in the field of the protection of civilians.

A number of persistent violators of human rights and humanitarian law still go unpunished. Accountability is therefore a central issue. The Council must be ready to take action against those who continuously undermine the credibility of its commitment. The International Criminal Court (ICC) has an important role to play as well. In this respect, Italy welcomes the outcome of the recent Review Conference in Kampala that further strengthened the ICC's role.

We also share the concern about the lack of progress in finding durable solutions to the situation of internally displaced persons. A more comprehensive approach is needed that looks at both the most urgent and the long-term problems, such as land and property issues, which are key in addressing the causes of conflict.

As far as positive developments are concerned, the appointment of a Special Representative of the Secretary-General on Sexual Violence in Armed Conflict was certainly a crucial step in addressing what is one of the most serious threats to the protection of civilians. We strongly support the mandate of Ms. Wallström, and we look forward to assisting her in this challenging task.

We also welcome the recent briefing of the Special Representative of the Secretary-General for Children and Armed Conflict to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. The protection of civilians, particularly those belonging to the most vulnerable categories, must be an integral part of the work of the Committee. We hope that such briefings will gradually become a standard practice.

Moreover, let me express our strong support for the work undertaken by the informal expert group on the protection of civilians. As a former member of the Security Council, Italy has always advocated the creation of such a forum. The group is indeed an important platform for discussing and monitoring humanitarian developments and for devising effective strategies, with the contribution of all relevant actors. I would like to stress here that prevention should be a pillar of any strategy aimed at protecting civilians. Indeed, a timely preventive strategy can save more lives than any other action.

Finally, we welcome the engagement of the General Assembly in the protection of civilians, as proven by the increasing references to the issue in its resolutions. We encourage and support this important trend.

I wish to conclude by highlighting two issues. First, as also by in resolution 1894 (2009), the protection of civilians is not only a military task; it is a more inclusive challenge. Every component of a peacekeeping mission — military, police, civilian, gender, human rights and child protection — must contribute to achieving the protection goals. Whenever a peacekeeping operation is in place, civilians expect to be protected by United Nations forces. To ensure effective protection, peacekeepers must be adequately trained, which makes synergies with training centres a must. The cooperation agreement signed by the Department of Peacekeeping Operations and the Italian Center of Excellence for Stability Police Units last week is a significant step forward. We must continue to pursue such a capacity-building approach.

Lastly, the protection of civilians must also encompass the principle of the responsibility to protect.

This principle implies that with sovereignty come special responsibilities. Governments must protect their own populations, and the best way to guarantee such protection is to promote human rights, the rule of law and democratic governance. The responsibility to protect should be seen as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the Summit Outcome Document (General Assembly resolution 60/1) are met. In this perspective, Italy looks forward to the upcoming informal interactive dialogue of the General Assembly on early warning, assessment and the responsibility to protect with a view to further implementing the concept.

The President: There are a number of speakers remaining on my list. I therefore intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.10 p.m.